

with respect to the remainder thereof, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the designation, "Bleached White Oats Recleaned," with respect to a portion of the article, and the designation, "Daisy Mixed Oats \* \* \* recleaned," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser, and the statement, "Other Grains," appearing in the labeling of a portion of the article, did not correct the misleading impression. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 3, 1924, Embury E. Anderson, Memphis, Tenn., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be dried down to 13 per cent moisture or under and that the sacks be correctly labeled as to the contents and weight.

HOWARD M. GORE, *Secretary of Agriculture*.

**12531. Adulteration and misbranding of butter. U. S. v. Davidson County Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17516. I. S. No. 8191-t.)**

On May 21, 1922, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Davidson County Creamery Co., a corporation, Lexington, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 21, 1922, from the State of North Carolina into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Piedmont Pure Creamery Butter \* \* \* One Pound Net Davidson County Creamery Co. Lexington, N. C."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive water and was deficient in fat. Examination by said bureau showed that the average net weight of 110 packages was 15.75 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, for the further reason that a substance, to wit, added water, had been substituted in part for creamery butter, which the article purported to be, and for the further reason that a valuable constituent thereof, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statements, to wit, "Pure Creamery Butter" and "One Pound Net," borne on the packages containing the article, were false and misleading in that the said statements represented that the article consisted wholly of pure creamery butter and that each of the packages contained 1 pound net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure creamery butter and that each of the packages contained 1 pound net of the article, whereas, in truth and in fact, it did not consist wholly of pure creamery butter but did consist of a product deficient in butterfat and [which] contained an excessive amount of water, and each of the said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture*.